

# CONSERVATION COMMISSION

## MEETING AGENDA

JANUARY 27, 2005

Beginning at 7:30 p.m. \*

Room 209, City Hall

7:30 p.m. -- **Executive Session** to discuss pending litigation.

### Regular Schedule:

**1. 236 Islington Road** : Continuation of Public Hearing on Notice of Intent for construction of dwelling addition and compensatory storage adj. wetland resource areas associated with the Charles River . ( 7:30 p.m. \*)

**2. 2345 Commonwealth Avenue – Marriott Hotel** : Public Hearing on Notice of Intent for removal of outdoor pool and construction of patio adj. the Charles River . ( 7:45 p.m. \*)

**3. 115 Andrew Street** : Public Hearing on Request for Determination for construction of deck and compensatory storage adj. wetland resource areas associated with South Meadow Brook. ( 8:00 p.m. \*)

**4. Forte Park – off California Street** : Public Hearing on Notice of Intent for pedestrian walkway and bocce court in Riverfront Area of the Charles River .

( 8:10 p.m. \*)

**5 . Conservation Restrictions** : Discussion of inspection procedures; status report from subcommittee; ( 8:30 p.m. \*)

### 6. Announcements & General Business:

December 16 Meeting Minutes for approval

Certificates of Compliance:

116 Louise Road – Enforcement Action – continue discussion

Draft RDA for stream cleaning – Review and discussion of submission

Kessler Woods Subdivision - update

**45 Buswell Park – Sign Order from December & review planting plan – 9:00 p.m.**

Dog Park Task Force – Report from N. Richardson

942 Watertown St. enforcement – 9:00 p.m. discussion w/owner

Hampton Place – water and sediment monitoring – N. Richardson

20 Charles River Terrace – plan modification

**Martha J. Aherin Horn**

Sr. Environmental Planner

\*All times are approximate. Hearings will be held in order, one after the other, and may be heard earlier than the time posted.

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**JANUARY 27 ATTENDANCE: I am expecting everyone. PLEASE CALL IF THAT CHANGES!!! Thanks.**

**PLANNER'S REPORT:**

**Executive Session** : Eileen McGettigan will be on hand to discuss receipt of a letter responding to an enforcement action directed by the Commission in which the writer threatens to subject staff personally to a lawsuit because staff is intentionally abusing her power.

**236 Islington Road** – New plan to come to address items discovered at last month's hearing as follows: Excerpt from Minutes of 12/16/04 meeting : “ Mike Kosmo of Brooks Engineering appeared with Ernest Rogers, the owner. The plan presented with the application is in process of being changed to show the correct driveway location and surfacing as approved by the Historical Commission. In addition, it appears that the compensatory storage as calculated does not meet the criteria as the engineer has taken the entire volume of the structure into account for compensatory storage, but has

not provided proof that the structure is water tight. These calculations need to be re-done. Also, the wetland line takes two 90-degree angles and no explanation was provided for that odd configuration. Engineering will require new utility connections and they should be shown on the new plan. *Hemlock wooly adelgids* are infesting the trees on the site. The owner needs to determine whether to treat them or remove the trees or leave them alone. Currently there are pumps for a drainage system under the former tennis court and the owner intends to remove them as the drainage system has failed. The tennis court has reverted to ordinary lawn. A neighbor provided a comment that there was water in area basements and general flooding since the 1980's when the prior owner removed trees and built the tennis court. Of the 3 fir trees at the front of the lot in the general vicinity of the proposed new garage, approximately one tree will be removed. These trees are 60 feet tall, with diameters of 18" – 24". The owner was advised to contact Marc Welch, Tree Warden, to discuss replacement. Because of all of the outstanding issues and need for a new plan, the hearing was continued to January 27, 2005 , at 7:30 p.m. "

**1/5/05** – During telephone conversation about *Hemlock wooly adelgid* treatments, I reminded the owner of the need for additional info and he promised to have it to me by 1/20/05 .

New information submitted : ...purports to have better drainage calcs and does show the proper driveway configuration, but other issues have not been addressed; so noted to engineer.

**Marriott Hotel** – Positive Determination last month necessitates the filing of a NOI. They are removing their outdoor pool and will be staging in their parking lot, moving materials in and out via the side lawn next to the river. They are hoping for frozen ground, but will use mats or steel plates to keep the soil compaction and disruption to a minimum. In the spring they will be back to pour a concrete pad in the area now occupied by the pool. The alterations should be temporary in nature in the staging area and haul route. Engineering requested additional details on the crossing above the outfall and other items. Resource areas: Buffer Zone to Bank, Riverfront Area.

**115 Andrew Street** -- This is a replacement deck with additional pilings plus compensatory storage. Resource Areas: Bordering Land Subject to Flooding.

**Forte Park** – This NOI will finish up the Forte Park project. They are installing the pedestrian walkway around the perimeter of the park and there will be exercise stations along it. Bocce courts will be constructed and lighted and a few picnic tables are planned. They're going to install the lighting that was approved on a prior Order of Conditions. Also, the irrigation system will be extended to the remainder of the property. Portions of all of these improvements intrude into the Riverfront Area, but will replace existing lawn. They have a planting plan as partial mitigation.

The park is reached from a long private street off California Street near the McDonald's. Beyond the park is MDC/DCR land with the Riverwalk adjacent to the Charles River . Resource Areas: Riverfront Area, buffer to BVW

**Conservation Restrictions** – Anne Pearson and Larry Burdick have been working on the CR Review Project as volunteers from the Newton Conservators. Anne has CR experience in that she manages the CR data base for Mass Audubon. Larry and I have sat together at a couple of seminars on CRs and discussed ways in which the ConCom CRs should be reviewed and managed better than they are now – which is, sad to say, no management or inspections at all. With CPA funding of acquisitions and the requirement that a non-profit land trust hold CRs on the land acquired for the City, it seemed to make sense to have the ConCom data base and info be the same as the Conservators data base and info and that's where we're trying to go in terms of managing all the CRs for both entities.

Larry, Anne and I got together 3 or 4 months ago and had several discussions on the types of info we need to have recorded in a standard format, together with the types of info to keep in each folder, especially the CR Review folder which a member and/or volunteer will take into the field during the actual site inspection. The inspector needs to know that s/he is looking for a tree or a stone wall or a field or a forest or some other feature that is being conserved by the CR. Photographs should be taken the first year for future comparisons. Site inspections are recommended on an annual basis so that the property owner knows the property is being watched, plus it establishes a relationship between the owner and the CR holder.

We devised a 'typical' folder and an abstract which is pretty basic, but covers the important stuff. After that, Larry reviewed the folders and identified which info is missing and we are trying to fill in those gaps. Meanwhile Anne has been taking the info that Larry has come up with and massaged it into a data base. We are now almost at the point where the Commission will be sending out the letters to the fee owners saying 'Hi, we have a CR on your property and we're coming to visit the site to make sure that all is well – won't you please join us?' We need some feedback from you – do you think the abstract is complete? Do you want more (or less) information? Who wants to be the site reviewer(s)? Do you think a member of

the Newton Conservators should come too? What other information should be factored into this project? (The sample abstract was in last month's packet; a different abstract is enclosed in this packet.)

**Conservation Restriction Status Report :**

Field – 74 Longwood Road – signed; in Law for recording; then copy & send to EOEa

Jick – 25 Moorfield Road – signed; in Law for recording; then copy & send to EOEa

Wilmerding – 180- Elgin Street – Completed. Need Registry info; then copy & send to EOEa

Terraces – Langley Road – complete and recorded; trying to get original; then copy & send to EOEa

Forte land on Webster Park – land coming to ConCom; CR going to Conservators, in process

Kessler Woods – land coming to ConCom; CR going to Conservators; in process

Sub-committee Report : The sub-committee has revisions to the standard CR format for review and discussion and if I receive them in time, they will be in your packet.

**December 16, 2004, Meeting Minutes** for approval

**Certificates of Compliance** : no requests received to date

**116 Louise Road** – This item was continued from last month so that you can review the site plan and discuss the issue of private use of public land. See packet for meeting minutes and notes from Law Dept. discussion as requested in November.

**Draft stream cleaning RDA** – Photos and draft text were submitted. Review by the ConCom would be helpful as feedback to the consultant. I have reviewed the material and commented, then gave it to DPW-Utilities Div. for their comments. If I get it back in time, it will be in the packet. If not, it will be mailed separately.

**Kessler Woods Subdivision** – This item was not discussed last month due to time constraints -- Prospective owners of 3 of the front lots have come in to discuss the procedure. Their drainage is within your jurisdiction because they have an overflow into the subdivision drainage system, but their lots are outside your jurisdiction for the most part. I think we

*should have a discussion about your expectations* as I am trying to make the development of this property go as smoothly as I can given the difficulties inherent in the permitting scheme.

In addition, the blasting plan is coming in bits and pieces and that's very frustrating for both me and the consultant who is working with the Fire Department. The consultant has identified several pieces of missing information and the contractor seems unable to get the information to us in a timely way; however, he is complaining about the length of time the blasting approval is taking. I am working closely with the consultant and hoping for test blasting week of 1/24/05 .

**45 Buswell Park** – Last month you voted an affirmative Order and I neglected to get your signatures on the form -- please sign for me. They have submitted a planting plan that looks fine. I have requested re-wording of their plan for removal of bittersweet, but that should be in hand by time of meeting.

**Dog Park Task Force** : Norm Richardson will be attending to represent your interests at the Task Force meeting on 1/19 and he will report back to you. Enclosed in your packet is the Resolution plus minutes of several prior meetings (from 2003 and 2004). You previously received my rough minutes on a meeting earlier this month via email.

**942 Watertown Street** – Enforcement Order issued for non-compliance with several conditions in the Order, plus fill in the floodplain (soil, building materials, porta potty). The owner is working toward compliance with her contractor and if problems still exist at time of meeting, I will ask that you affirm the Enforcement Order by signing it. They are to appear before you about 9:00 with the plan they intend to use (which is different from the one you approved – several iterations later, different surveyor and engineer, different contractor, etc., etc., etc.) so you can make a change to the plan reference in the Order.

**Hampton Place** – water and sediment monitoring – Norm Richardson had a discussion with Lee Lyman of Lycott Environmental with regard to the continuing use of chemicals to clear the detention basin at the rear of Hampton Place of aquatic vegetation. Norm will report on his conversation and recommendations. Also, I had heard from members of the Engineering Dept. that there are a number of geese wintering at the basin as the water is open due to an aerator. I suggested that there might be fewer weeds if the geese went elsewhere. Lyman said he would make the suggestion to the Trustees that the aerator be turned off so the water will freeze.

**1211 Washington Street** : Update: Law Dept. sent formal letter on behalf of both DPW and Conservation Commission. Waiting to hear from owner as to which option he wishes to pursue. Enforcement on neighbor to rear ( **930 Watertown Street** ) went out, but haven't had a response yet.

**Non-Criminal Ticketing** : ZAP approved the proposed ordinance in December; Finance will hear it January 24, 2005 (tent.). Will advise date and time when I get it as members should go to support it.

**Community Preservation – Houghton Garden fence** – Your request to convert the 'loan' to an outright grant was approved. This item will then to go to BOA's CPA committee for approval. I can start preparing the bid package so it can go out immediately after the affirmative vote (thinking positively here!).

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